

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

|                                       |                             |
|---------------------------------------|-----------------------------|
| LARRY TOTTEN, JOSE MORENO, in their)  | No. C-05-4307-SC            |
| capacities as Trustees of the )       |                             |
| LABORERS HEALTH AND WELFARE TRUST )   |                             |
| FUND FOR NORTHERN CALIFORNIA; )       |                             |
| LABORERS VACATION-HOLIDAY TRUST )     | ORDER EXTENDING TIME        |
| FUND FOR NORTHERN CALIFORNIA; )       | FOR FILING AN               |
| LABORERS PENSION TRUST FUND FOR )     | <u>OPPOSITION AND REPLY</u> |
| NORTHERN CALIFORNIA; and LABORERS )   |                             |
| TRAINING AND RETRAINING TRUST FUND )  |                             |
| FOR NORTHERN CALIFORNIA, )            |                             |
| )                                     |                             |
| Plaintiffs, )                         |                             |
| )                                     |                             |
| v. )                                  |                             |
| )                                     |                             |
| )                                     |                             |
| ALEX PEGUES, individually; ROGER )    |                             |
| PITCHER, individually; ALEX PEGUES )  |                             |
| and ROGER PITCHER, individually and ) |                             |
| dba C&C MAINTENANCE SERVICE and C&C ) |                             |
| MAINTENANCE SERVICE, )                |                             |
| )                                     |                             |
| Defendants. )                         |                             |
| )                                     |                             |

Plaintiffs Larry Totten et al. ("Plaintiffs") filed this  
action against Defendants Alex Pegues, both individually and dba  
C&C Maintenance Service ("Defendants"), alleging causes of action

1 for ERISA<sup>1</sup> violations.<sup>2</sup>

2 Presently before the Court is Plaintiffs' motion for summary  
3 judgment. Defendants have not filed an opposition, though they  
4 were served with a copy of the motion and given adequate time to  
5 respond to it.

6 In the interest of justice, the Court GRANTS Defendants  
7 thirty days from the date of this Order to file a motion opposing  
8 Plaintiffs' motion for summary judgment. Plaintiffs will have ten  
9 days from the date Defendants file their opposition to file a  
10 reply brief.

11 The trial date of September 11, 2006 is hereby VACATED. The  
12 Court, if necessary, will set a new trial date at the appropriate  
13 time.

14  
15 IT IS SO ORDERED.

16  
17 Dated: August 24, 2006

18   
19 UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Employee Retirement Security Act, 29 U.S.C. § 1001 et  
26 seq.

27 <sup>2</sup> Plaintiffs dismissed Roger Pitcher as a defendant. See  
28 Docket Nos. 15 and 16.